

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

UNITED STATES DISTRICT COURT
Southern District of Florida

Case Number: _____

FILED BY MC D.C.

JUN 27 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

Joshua Levine
(Enter the full name of the plaintiff in this action)

v.

Ric L. Bradshaw Sheriff of Palm Beach County, Florida, Official Capacity
M. Devoter (# 3707) Individual Capacity and Official Capacity

J. Thomas (# 6272) Individual Capacity and Official Capacity
B. Edger (# 9437) Individual Capacity and Official Capacity
CSP Bryant (# 35358) Individual Capacity and Official Capacity
CSP Logan (# 33575) Individual Capacity and Official Capacity
UNKNOWN John / Jane Doe, Individual and Official Capacity
(Above, enter the full name of the defendant(s) in this action)

A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Instructions for Filing:

This packet includes four copies of the complaint form and two copies of the Application to Proceed without Prepayment of Fees and Affidavit. To start an action you must file an original and one copy of your complaint for the court and one copy for each defendant you name. For example, if you name two defendants, you must file the original and three copies of the complaint (a total of four) with the court. You should also keep an additional copy of the complaint for your own records. All copies of the complaint must be identical to the original.

Your complaint must be legibly handwritten or typewritten. Please do not use pencil to complete these forms. The plaintiff must sign and swear to the complaint. If you need additional space to answer a question, use an additional blank page.

Your complaint can be brought in this court only if one or more of the named defendants is located within this district. Further, it is necessary for you to file a separate complaint for each claim that you have unless they are all related to the same incident or issue.

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

There is a filing fee of \$350.00 for this complaint to be filed. If you are unable to pay the filing fee and service costs for this action, you may petition the court to proceed in forma pauperis.

Two blank Applications to Proceed without Prepayment of Fees and Affidavit for this purpose are included in this packet. Both should be completed and filed with your complaint.

You will note that you are required to give facts. THIS COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.

When these forms are completed, mail the original and the copies to the Clerk's Office of the United States District Court, Southern District of Florida, 400 North Miami Avenue, Room 8N09, Miami, Florida 33128-7788.

I. Parties

In Item A below, place your name in the first blank and place your present address in the third blank.

A. Name of plaintiff: Joshua Lesline
Inmate #: 0096012
Address: 3228 Gun Club Road, West Palm Beach,
Florida 33406-3001

In Item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item C for the names, positions, and places of employment for any additional defendants.

B. Defendant: Ric L. Bradshaw - Official - Personal Capacity
is employed as Sheriff of Palm Beach County, Florida
at 3228 Gun Club Road, West Palm Beach, Florida 33406-3001

C. Additional Defendants: Major M. Deuster, Division Manager
J. Thomas, Unit Manager R. Edger, CSP Logan,
CSP Bryant, Unknown John / Jane Doe - who opened

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

and copied legal mail-

All work at 3228 Gun Club Road, West Palm Beach,
Florida. 33406-3001

II. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places.

Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach an additional blank page if necessary.

As described in the related case, Case Number
9:22-CV-80321-AMC, Plaintiff has had repeated
problems with the mishandling of his legal mail
while an inmate of the Palm Beach County Jail. The
Defendants have attempted to assure Plaintiff that
violations would cease and that policies and
procedures to protect his Constitutional rights
would be followed. Plaintiff has also been told
that policies and procedures had been changed
to make sure no more violations would happen.
In the related case, all of those same promises
have been made to the court. Those promises
have included that incoming inmate legal mail

would only be opened in the inmates presence, would be copied only in the inmates presence, and the original only destroyed in the inmates presence after copies were made. (The justification stated by the Defendants was to prevent contraband from entering the facility through legal mail by these policies and procedures is not objective too by the Plaintiff.).

Defendant's promises were made to this Court and Plaintiff as recently as April 17, 2023, in the related case, in ECF Document 71, paragraphs 12, 16, 17 and 18.

However, only 3 weeks later, on May 8th, 2023, the Defendant's broke those promises again by opening the Plaintiff's legal mail again outside his presence. That violation is what this case is about.

Specifically, on May 8th, 2023, Plaintiff was in his assigned housing unit at the Main Detention Center, South-2A. At approximately 1:00pm, CSP Bryant and CSP Logan arrived at South-2A to deliver legal mail to Plaintiff. Upon their arrival, the Housing Deputy, Deputy Clarke, called Plaintiff to the Foyer door to receive his legal mail. At that time, CSP Bryant handed Plaintiff a stack of copied legal documents on purple paper and a clipboard to sign for the legal

Statement of Claim II. Cont. 3(B)

document's. Plaintiff immediately asked why his legal mail had already been opened and copied outside his presence. Plaintiff also asked where the originals of the purple paper copies were. Both CSP Bryant and CSP Logan stated that they had found the legal mail on a shelf and were delivering them. Neither of them offered any explanation why the proper policies and procedures were not followed. Neither of them identified the other persons involved in the violation of Plaintiff's Constitutional Rights that is, the unknown John/Jane Doe. (There exist video of this incident).

Thereafter, Plaintiff properly filed and pursued all available written administrative grievance policies and procedures and appeals before filing this lawsuit. (See Exhibit I)

Said grievance process has not fully resolved the damage and ongoing threat of violations of Plaintiff's Constitutional Rights related to inmate legal mail and Plaintiff's ongoing criminal litigation.

Plaintiff believes that Sheriff Bradshaw and the other Defendants have supervisory liability for this latest violations again of the Plaintiff's rights. Based on repeated violations of these same rights dating back

Statement of Claim II, Cont. 3 (C)

to at least November 2021. Defendants were on notice that;

1) Violations of inmate constitutional rights in handling legal mail were occurring.

2) policies and procedures for handling that mail were insufficient.

3) Supervision over subordinate employees tasked with handling inmate legal mail was inadequate to make sure constitutional rights were not violated. The same as to training.

4) That they had not done enough to make sure violations stopped and could not be repeated, and therefore were being willfully indifferent to Plaintiff's Constitutional rights.

5) That it is possible repeated violations of Plaintiff's rights specifically were retaliatory for prior complaints he had made, and specific steps to protect his rights needed to be implemented.

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

b) That it had become a practice to violate inmate constitutional rights regarding legal mail despite written policies intended to protect those rights while simultaneously preventing contraband.

III. Relief

State briefly exactly what you want the court do to do for you. Make no legal arguments. Cite no cases or statutes.


Plaintiff seeks injunctive relief against further violations of his rights and punitive damages for the May 8, 2023, violations and ongoing pattern and practice of violating his rights, which are compounded based on their repetitive nature and promise violations which have, as a result, eroded Plaintiff's ability to have confidence that his constitutional rights will be protected in good faith and the integrity of his ability to properly defend against pending criminal allegations with assistance of counsel can remain intact. The same relief as to any retaliations.

IV. Jury Demand

Do you demand a jury trial? ☒ Yes ☐ No

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

Signed this 20th day of JUNE, 20 23


(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct. *(optional)*

Executed on: 6/20/2023


(Signature of Plaintiff)

Joshua Levine
0096012 - SBD
P.O. Box 24716
West Palm Beach, Florida
33416

*Legal
Mail*

*Clerk's Office of the United States
District Court, Southern District of Florida
- Room 8N09 -
400 North Miami Avenue
Miami, Florida 33133*

NDC 65517-102-1
anMist
FRAGRANCE

L-On
rspiran
FRESHNESS & /
FRESH SCENT

1.0 FL OZ (44 ml)

Day
DEODORANT

Roll
Antipe
REDUCES WRINKLES
FRAGRANCE

1.5 FL OZ

Drug Facts
Active Ingredients
Aluminum Chlorohydrate 7.0%
Uses: Reduce underarm perspiration.
Warnings: Do not apply to broken skin. If a skin rash develops, discontinue use. Keep out of the reach of children.
Inactive Ingredients: Water, Hydroxyethylcellulose, Disodium EDTA, Butoxydimethylamine, Menthol.
EXP 15/2023
EXP 2023/06/02
JDOOR

Legal Mail

Attention:

This Letter Originates From The Palm Beach County Facility Inmate Mail Is Uncensored The Sheriff Cannot Assume Responsibility For Its Contents